

The 14th March, 1972

No. 2825-1Lab. 72/9164.—The Governor of Haryana is pleased to make the following appointment and posting:—

Serial No.	Name of Officer	Appointed and posted as	With effect from	Remarks
1	Shri Harbans Lal Kothari	Assistant Employment Officer at the Sub-Regional Employment Exchange, Rohtak	28th February, 1972 (forenoon)	

B. L. AHUJA,
Commissioner and Secy.

LABOUR DEPARTMENT

The 8th March, 1972

No. 2546-4Lab-72/8739.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act, No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Nirula Bros. (P) Ltd., Gurgaon.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL HARYANA,
FARIDABAD

Reference No. 119 of 1970

between

SHRI CHANDER APL SINGH AND OTHERS WORKMEN AND THE MANAGEMENT OF
M/S NIRULA BROS. (P) LTD., GURGAON.

Present—Shri Sardha Nand for the workmen.
Shri S.K. Basin and Shri L.C. Arora for the management.

AWARD

An industrial dispute existing between the management of M/s Nirula Bros. (P) Ltd., Gurgaon and their employees Sarvshri Chander Pal Singh, Sultan Singh, Ashok Kumar, Rattan Singh and Dharam Paul and Ram Nath, was referred for adjudication to this Tribunal by the Governor of Haryana, in exercise of powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947,—*vide* order No. ID/GG/2H-70/26552-56, dated the 2nd September, 1970:—

“Whether the retrenchment of Sarvshri Chander Pal Singh, Sultan Singh, Ashok Kumar, Rattan Singh, Dharam Paul and Ram Nath was justified and in order? If not, to what relief are they entitled?”

On receipt of the reference usual notices were given to the parties. The workmen filed their statement of claim on 16th October, 1970 with the allegations that they were permanent workmen and had illegally been brought under retrenchment,—*vide* letter dated 27th March, 1970, without any justification and in violation of the provisions of section 25 F of the Industrial Disputes Act, 1947. It was, further alleged that the concerned workmen were either trade union leaders or active members of the union and the management had taken the impugned action against them for considerations of victimisation. With these averments in brief the workmen prayed for their reinstatement with continuity of previous service and full back wages.

In the written statement filed on 4th December, 1970, the management contested the above claim of the workmen on several grounds pleading *inter alia* that the present dispute referred for adjudication to this Tribunal was not an industrial dispute as the workmen had made no direct demand on the management before taking recourse to conciliation proceedings and, therefore, this Tribunal had no jurisdiction to adjudicate upon the demand in question. It was further urged that Shri Sardha Nand who has filed the claim statement on behalf of the workmen had no authority to do so and the union represented by him had no *locus standi* to raise the present dispute.

In the rejoinder filed on 6th January, 1971 the workmen controverted the above pleas raised on behalf of the management. It was stated that the demand notice had been sent direct to the management under U.P.C. and the present dispute was under section 2A of the Industrial Disputes Act, 1947. Moreover, no such objection was raised by the management during the conciliation proceedings. It was further urged that Shri Sardha Nand, General Secretary of the Gurgaon Engineering Workers Union was competent to file the claim statement on behalf of the concerned workmen. It was further contended that the workers had filed an application for increase of their wages before the authority under the Minimum Wages Act which had displeased the management and hence the impugned action of their retrenchment from service.

On the above pleadings of the parties the following issues arose for determination :—

- (1) Whether the present dispute is not an industrial dispute as alleged by the management ?
- (2) Whether Shri Sardha Nand had no authority to file the claim statement on behalf of the workmen ?
- (3) Whether the retrenchment of Sarvshri Chander Pal Singh, Sultan Singh, Ashok Kumar, Rattan Singh, Dharam Paul and Ram Nath was justified and in order ? If not, to what relief are they entitled ?

The parties have led evidence only on preliminary issues Nos. 1 and 2. Shri Chander Pal Singh, Secretary and Shri Sardha Nand, General Secretary of the Gurgaon Engineering Workers Union had come into the witness box as W.W. 1 and W.W. 2 respectively and have produced the membership form, Ex. W.W. 1/1, complaint, dated nil received by the management on 12th August, 1969, Ex. W.W. 1/2, postal receipt, Ex. W.W. 1/3, notice received from the Conciliation Officer, Gurgaon, Ex. W.W. 1/4, application filed before the authority under the Minimum Wages Act, Ex. W.W. 1/5, authority letter in favour of Shri Sardha Nand, Ex. W.W. 1/6, postal certificate, Ex. W.W. 1/7, copy of the demand notice, dated 28th March, 1970, Ex. W.W. 1/8, application, dated 11th November, 1969 for declaring certain workmen mentioned therein as protected workers, Ex. W.W. 2/1, copies of the demand notices, dated 28th March, 1970, Ex. W.W. 2/2 to Ex. W.W. 2/7.

On the other hand, the management has examined Shri L.C. Arora, Assistant to Director and Establishment Incharge of the respondent Company, M.W. 1 who has deposed that no employee of this concern is a member of Gurgaon Engineering Workers Union and that to his knowledge the workers had never raised any demand on the management. In cross-examination he has admitted that some workers had gone on strike and on the prosecution launched by the management the workers had been arrested.

The documentary evidence relied upon by the management consists of the retrenchment notice, dated 27th March, 1970, M-1, registered cover containing the notice, Ex. M-2, acknowledgement due Ex. M-3, notice dated 30th March, 1970 received from the Conciliation Officer, Ex. M-4.

I have given a very careful consideration to the material on record and the arguments advanced by the learned representatives of the parties. The main contention raised on behalf of the management is that there was no industrial dispute between the parties within the meaning of law which could legally be referred for adjudication to this Tribunal. It has been argued that the demand, the subject matter of the present reference, was not first raised by the concerned workmen or their union direct on the management before taking up the matter to the Conciliation Officer and the communication of the demand by the Conciliation Officer to the management did not constitute any industrial dispute so as to confer jurisdiction upon this Tribunal to adjudicate upon the demand. In support of the above contention the learned representative of the management has referred me to the Sindhu Re-settlement Corporation Ltd., *versus* Industrial Tribunal of Gujrät and other case wherein their Lordships of the Supreme Court were pleased to observe as under :—

“An industrial dispute, as defined, must be a dispute between employees and employers or between employers and workmen, or between workmen and workmen. A mere demand to the Government without the dispute being raised by the workmen with their employer can not become an industrial dispute.”

The rule of law laid down by the Hon'ble Supreme Court in the above noted case was followed by the Delhi High Court in Civil Writ No. 100 of 1969 between Fedders Lloyd Corporation Private Ltd. ; and Lieutenant Governor Delhi and others wherein their Lordships Mr. Justice I. D. Dua, (C.J.) and Mr. Justice V.S Deshpande were pleased to observe as under :—

“We are of the view that the decision of the Supreme Court in Sindhu Resettlement Corporation *versus* Industrial Tribunal, Gujrät (Supra), referred to above, has finally established the proposition that a demand by the workmen must be raised first on the management and rejected by them before an industrial dispute can be said to raise and exist and that the making of such a demand to the Conciliation Officer and its communication by him to the management, who rejects the same is not sufficient to constitute an industrial dispute. The decision and dicta of some of the High Courts to the contrary can no longer be considered good law.”

The learned representative of the workmen has referred me to only one authority reported as 1968-II-LJ page 682 which, I am afraid, is not applicable to the facts of the instant case. In that case this plea was not specifically raised in the Writ Petition and Hon'ble the High Court did not allow it to be raised at the time of arguments. Moreover, the rule of law as laid down by Hon'ble the Supreme Court has to prevail. It has, therefore to be seen how far the workmen in the present reference have succeeded in satisfying the requirements of law as laid down by Hon'ble the Supreme Court. In view of the specific allegation by the management in the written statement that the demand in question had never been raised on the management, it was incumbent upon the workmen to bring on record tangible evidence that they had approached the management direct with their demand for reinstatement and the management had refused to accede to this demand. But after very carefully scrutinizing the entire evidence, I am constrained to observe that the workmen have failed to discharge this burden.

According to Shri Sardha Nand, General Secretary, Gurgaon Engineering Workers Union W. W. 2, he had been sending the workers to the management for being taken back on duty but without any success. Strangely enough none of the workers who are alleged to have approached the management in this behalf has come forward to support Shri Sardha Nand W. W. 2 on this point. The only other witness examined in the case is Shri Chander Pal Singh, Secretary of the Engineering Workers Union, Gurgaon W. W. 1 but he has nowhere stated that he or any other worker had first approached the management with the demand in question.

The workmen have further placed reliance upon some documentary evidence which consists of a joint demand notice, dated 28th March, 1970 Ex. W. W. 1/8, individual demand notices of the same dated Ex. W. W. 2/2 to W. W. 2/7 and a postal certificate dated 30th March, 1970 Ex. W. W. 1/7. But this evidence even does not hold them. The Joint demand notice dated 28th March, 1970 Ex. W. W. 1/8 is addressed to the Labour-cum-Conciliation Officer, Gurgaon and there is no endorsement on it showing that a similar demand notice was sent to the management also nor has a copy of the demand notice if any sent to the management, been filed in the case.

According to Shri Sardha Nand W. W. 2, no joint demand notice such as Ex. W. W. 1/8 was sent to the management although he has further deposed in cross-examination that the demand notice in original was sent to the management and carbon copies of the same were sent to the Conciliation Officer. But there is no proof of the demand notice having been sent direct to the management.

Much stress has been laid on behalf of the workmen on the postal certificate, dated 30th July, 1970 Ex. W. W. 1/7 wherein there is no doubt an entry of a communication by post to the Manager M/s Nirula Bros. (P) Ltd; Delhi Road, Gurgaon. This postal certificate was not produced at the proper stage along with the statement of claim nor with the rejoinder filed to the written statement of the management controveering the above plea. It was produced at the later stage on 6th January, 1971 and as such it can not safely be relied upon.

There is another aspect of the case which deserve consideration here. The learned representative of the workmen contends that before taking up the matter to the Conciliation Officer the demand notice had been served on the management under postal certificate which is dated 30th March, 1970. But as per notice, dated 30th March, 1970, Ex. M-4 the Conciliation Officer had initiated proceedings on the demand notice, dated 28th March, 1970, i.e., before the demand notice or notices are alleged to have been served on the management. Shri Sardha Nand, W. W. 2 has stated that the demand notices to the Conciliation Officer were also sent on 30th March, 1970 which, however, does not sound to reason as according to the notice issued by the Conciliation Officer calling upon the parties to appear before him for conciliation proceedings, which is of 30th March, 1970, Ex. M-4 on record. Action had been taken by him on the demand notice, dated 28th March, 1970 which should presumably have been received by him on or before 20th March, 1970. Unfortunately the joint demand notice received from the Government along with the reference does not bear any endorsement showing the date of the receipt of the same by the Conciliation Officer. The individual demand notices produced in the case on behalf of the workmen were not received along with the reference which fact further renders the case of the workmen doubtful that any individual demand notices were sent by them to the management.

From the facts of the case discussed above, it would appear that the only demand notice issued on behalf of the workmen, was Ex. W. W. 1/8 which is dated 28th March, 1970 and it was on this demand notice that conciliation proceedings had been started by the Conciliation Officer. In the circumstances, the presumption is irresistible that the workmen had raised no demand direct on the management before taking resort to the Conciliation proceedings as according to their own showing the demand notice to the management had been sent only on 30th March, 1970 of which there is no satisfactory proof, as already discussed. Even if it be assumed for the sake of argument that the demand notice was actually given to the management on 30th March, 1970, as contended on behalf of the workmen, there was manifestly no compliance of the rule of law as laid down in the Sindhu Re-settlement Corporation case referred to above. The management had evidently no time to consider the demand of the workman and accept or reject the same as on that very date the matter had admittedly be taken up before the Conciliation Officer. So, judged from whatever angle, the fact remains that no demand had been raised by the present workmen or their union direct on the management and the mere communication of the demand to the management by the Conciliation Officer did not constitute an industrial dispute as defined under the Industrial Disputes Act. The inevitable result of this lapse on the part of the workmen was that no industrial dispute existed between them and the management which could validly be referred by the Government for the adjudication to this Tribunal, and that being so, this Tribunal has no jurisdiction to adjudicate upon the demand covered by the reference.

That disposes of issue No. 1 which, for the reason aforesaid, is decided against the workmen and it is held that the demand in question having not been raised first on the management, the present dispute is not an industrial dispute within the meaning of the law.

In view of my above finding on issue No. 1, it is not necessary to go into the other issues involved in the case as in the absence of an industrial dispute this Tribunal has no jurisdiction to adjudicate upon the demand the subject matter of the present reference. The award is made accordingly but without any order as to costs.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 25th June, 1971.

No. 669, dated 26th June, 1971.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

Dated 25th June, 1971.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 10th March, 1972

No. 2783-4-Lab-72/9079.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Panipat Co-operative Sugar Mills Ltd., Panipat.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference Nos. 17, 18, 19 of 1971

between

SARVSHRI ATTAR SINGH, JAI CHAND AND RAM DHAN MAUR WORKMEN AND THE MANAGEMENT OF M/S PANIPAT CO-OPERATIVE SUGAR MILLS LTD., PANIPAT

Present—

Shri Madhu Sudan Saran Cowshish, for the workmen.

Shri S. L. Gupta, for the management.

AWARD

This judgement will dispose of this and the connected reference Nos. 18 and 19 of 1971 which have arisen out of the retrenchment of the services of Sarvshri Attar Singh, Jai Chand and Ram Dhan Maur, concerned workmen, by the management of M/s Panipat Co-operative Sugar Mills Ltd., Panipat. There being some common questions of law and fact involved in all the three cases the same have been consolidated on the request of the parties to avoid duplication of work. The facts relevant for the judgment may, briefly, be stated as under :—

Shri Attar Singh joined service as Works Constructions Clerk in 1966 and was confirmed after completing the probation period. In 1969 he was designated as Sub-Overseer. Shri Jai Chand was recruited as a Cane Clerk on 27th November, 1958 and after confirmation he was redesignated as Public Relation Assistant in 1968. Shri Ram Dhan Maur was appointed as a Cane Accountant in October, 1962 and after confirmation in due course he was promoted as Cane Officer Incharge in 1966. The management brought the above named workmen under retrenchment with effect from 7th August, 1970,—*vide* retrenchment notices of the even date. Feeling aggrieved, they raised individual demands for reinstatement with continuity of previous service and back wages contending that their retrenchment had been brought about in contravention of the requirements of the law, as laid down under section 25 F and G of the Industrial Disputes Act, 1947 and persons junior to them had been retained in service beside making fresh recruitment. There being no satisfactory response from the management, conciliation proceedings were initiated before the Labour-cum-Conciliation Officer, Panipat, but without any success.

On receipt of the failure report from the Labour-cum-Conciliation Officer, Panipat, the Governor of Haryana has referred the above disputes for adjudication to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947,—*vide* Order dated 13th April, 1971. The term of reference in all the disputes which have been registered as Reference Nos. 17, 18 and 19 of 1971 is the same—

“Whether the retrenchment of the concerned workmen is justified and in order? If not, to what relief is he entitled? ”

On receipt of the reference, usual notices were given to the parties and they filed their respective written statements. In the statements of claim filed by the workmen, the retrenchment orders have been challenged as being wrong and illegal having been made in contravention of the requirements of law, as laid down under clause F and G of section 25 of the Industrial Disputes Act. It has further been urged that the appointing and the dismissing authority in respect of the workmen being the Board of Directors, the General Manager who had issued the impugned orders was not competent to do so.

The management, on the other hand, in the written statement filed on 14th June, 1971 controverted the above allegations and disputed the claim of the workmen mainly on the ground that the retrenchment in question had been effected in the interest of economy in expenditure and to bring the staff strength on par with other Co-operative Sugar Mills. It was further contended that the decision to retrench the said workmen had been taken by the Board of Directors and the necessary formalities of the law had been fulfilled.

From the pleadings of the parties the only issue that arose for determination in the case was as per the term of the reference stated above.

The management has examined two witnesses, namely, Shri Nand Lal Batra, Superintendent M. W. 1 and Shri Dina Nath Accountant M. W. 2. The documentary evidence relied upon by the management consists of :—

- (1) Abstract from the proceedings of the meeting of the Sub-Committee .. Ex. M. W. 1/1
- (2) Proceeding of the Fourth meeting of the Board of Directors held on Saturday, the 14th of March, 1970 .. Ex. M. W. 1/2
- (3) Letter No. Genl/70-71/886, dated 7th August, 1970 from the Panipat Co-operative Sugar Mills, Panipat to Shri Attar Singh, Sub-Overseer regarding retrenchment Ex. M. W. 1/3
- (4) Letter No. Genl/70-71/887, dated 7th August, 1970 from the Panipat Co-operative Sugar Mills, Panipat to Shri R. D. Maur, Cane Office Incharge regarding retrenchment .. Ex. M. W. 1/4
- (5) Letter No. Genl/70-71/887, dated 7th August, 1970 from the Panipat Co-operative Sugar Mills, Panipat to Shri Jai Chand, Public Relation Assistant regarding retrenchment .. Ex. M. W. 1/5
- (6) Letter No. Strength/981-84, dated 7th/11th August, 1970 from the Panipat Co-operative Sugar Mills, Panipat to Secretary to Government, Haryana, Labour Department, Chandigarh, regarding retrenchment .. Ex. M. W. 1/6
- (7) Payment voucher for one month salary in lieu of one month notice to Sh. Attar Singh for the month of 8th August, 1970 .. Ex. M. W. 2/1
- (8) Cash payment Voucher regarding salary wages (Gratuity and Retrenchment), dated 8th August, 1970 .. Ex. M. W. 2/2
- (9) Payment voucher for one month salary in lieu of one month notice retrenchment to Shri Jai Chand, dated 8th August, 1970 .. Ex. M. W. 2/3
- (10) Cash payment voucher regarding salary wages (Gratuity and retrenchment), dated 8th August, 1970 to Shri Jai Chand .. Ex. M. W. 2/4

The workmen have examined one witness Shri Om Parkash Vashisht, President Karamchari Union Sugar Mills, Panipat who has proved the agreement, dated 12th March, 1964, Ex. M. W. 1/1 between the management and the Union. Besides, all the three workmen have themselves come into the witness box and proved the retrenchment letters, dated 7th August, 1970 Ex. W. W. 2/1, W. W. 3/1, W. W. 4/1. Reliance has further been placed upon two documents Ex. W. W. 4/2 and W. W. 4/3.

Arguments have been addressed on both sides and I have given due consideration to the facts on record. The workmen have challenged the retrenchment orders on several grounds. To begin with, it has been contended that the impugned orders have not been passed by the competent authority and there has been no compliance with the mandatory provisions of the law with regard to the issuing of the retrenchment notice, payment of due compensation etc. But on a careful scrutiny of the record I find that the above contentions are devoid of force. The Board of Directors of the Mills had passed the resolution to effect the retrenchment in question after going through the report of the Sub-Committee appointed earlier in this behalf. The General Manager had only communicated the decision of the Board of Directors to the workmen concerned. He had not himself passed the retrenchment orders. There is no denying the fact that the Board of Directors was competent to pass such orders being the appointing and dismissing authority in respect of the workmen. Then the retrenchment notices had been duly communicated to all the workmen and full retrenchment compensation, as permissible under the rules, had been offered to them. The relevant documents including the report of the sub-committee Ex. M. W. 1/1, the decision of the Board of Directors Ex. M. W. 1/2, the retrenchment notices Ex. M. W. 1/3 to Ex. M. W. 1/5 speak for themselves. There is nothing on record to indicate that retrenchment compensation offered along with the retrenchment notices was deficient. One of the workmen, Shri Ram Dhan Maur had even accepted payment of the same though under protest but on other grounds. Intimation of the retrenchment as required by law had been given to the Government also,—vide Ex. M. W. 1/6. The contentions raised on behalf of the workmen in this behalf are, therefore, repelled.

It has been further argued on behalf of all the concerned workmen that the well recognised principle of "Last come First Go" has been violated in each case and the retrenchments have been brought about without an proper justification. The employer has no doubt the right to reorganise his establishment in the manner suited to him and he is under no compulsion to keep in service the staff which is found to be in excess of his genuine requirements. He has, however, to confirm to certain well settled principles of law before throwing out of employment any of his workmen and one of the principles is "Last Come First Go". This principle appears to have been observed only in its breach in the instant case. It was for the management to justify the retrenchment orders of the workmen before me. The seniority lists of the concerned workmen have not been brought on the record to indicate that they were the junior most persons on the rolls. Shri Jai Chand had joined service as a Cane Clerk on 27th November, 1958 and was confirmed as such in due course. In 1968 he was re-designated as Public Relation Assistant which was also a clerical job and carried the same pay scale. Even if it be assumed for the sake of argument that the post of the Public Relation Assistant had been considered to be superfluous or unnecessary, there was no justification for throwing this man out of job a confirmed hand with as many as 13 years of service to his credit.

Similarly Shri Ram Dhan Maur had joined as Cane Accountant in October, 1962 and had been confirmed as such in his turn. In 1966 he was promoted as Cane Office Incharge and had further been entrusted with the duties of the Deputy Cane Superintendent on which post he worked for full one year. The management could, if it so desired, dispense with the post of the Cane Office Incharge but there was no justification whatever in dispensing with the services of Shri Ram Dhan who was a confirmed hand and had already put in eight years service having worked on senior posts.

As for Shri Attar Singh, he was appointed as a Works Construction Clerk in 1966 on which post he had been confirmed in due course. In 1969 he had been re-designated as Sub-Overseer and in the following year the management had decided to abolish the post of the Sub-Overseer which it was competent to do. No case has, however, been made out to justify the retrenchment of Shri Attar Singh who was a confirmed hand with 4 or 5 years service to his credit. The management has altogether failed to bring on record an iota of evidence to indicate that Sarvshri Jai Chand, Ram Dhan Maur and Attar Singh the concerned workmen, were unsuited for alteranative jobs despite their seniority and long experience.

A perusal of the retrenchment notices and other documents produced by the management referred to above would show that the said retrenchments had been effected as a measure of economy. But no material has been brought on record to support this contention nor is it clear from the perusal of the report of the sub-committee M. W. 1/1 and the resolution passed by the Board of Directors M. W. 1/2 under what circumstances the economy in the staff was called for and how the same had been effected by bringing under retrenchment these three workmen. It has come in evidence and has been admitted at the Bar during the course of arguments that a number of fresh recruitments have been made after effecting the retrenchment of these three workmen. According to the statement of Shri Ram Dhan Maur a new post of Deputy Cane Superintendent had been created on the same day he was brought under retrenchment. He had worked as Cane Office Incharge for at least 5 years and had worked as Deputy Cane Superintendent for full one year and could well have been adjusted against the newly created post. Shri Attar Singh has sworn testimony to the effect that on the very day his retrenchment was effected the services of three retired employees in the Engineering Department had been extended. It has not been shown as to why the rights of this confirmed hand were ignored.

There is still another aspect of the case which deserve consideration here. The workman have brought on record an agreement dated 12th March, 1964 Ex. M. W. 1/1 brought about between the management and the workmen. According to clause 7 of this agreement "The General Manager of the Mills would decide the strength of each department in consultation with the representative of the Karamchari Union and his decision will be final." There is no allegation that this agreement had subsequently been terminated. It has been conceded during the course of arguments that no representative of the Karamchari Union had been consulted before bringing about the retrenchment in question which should have been done in fairness to the workmen concerned. If the management had not lost sight of this specific agreement the whole question of the seniority of the concerned workmen and their rights to be retained in service would have been fully thrashed even if the said particular posts had to be abolished. But for reasons not disclosed this just and proper course was not adopted by the management in the instant cases.

For the reasons aforesaid, the retrenchment orders passed by the management in respect of Sarvshri Jai Chand, Ram Dhan Maur and Attar Singh can not be held to be justified or in order and the same are liable to be set-aside. The award in each case is accordingly made in favour of the concerned workman and the management is directed to reinstate him, with continuity of his previous service and full back wages, on the same post against which he was already working or on some other equivalent post. In the circumstances, there shall be no order as to costs.

Dated 25th/28th February, 1971.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 257, dated the 28th February, 1972.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 25th/28th February, 1972.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.